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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,690	08/01/2003	David Fusari	S1389.70015US00	3636

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Boston, MA 02210

EXAMINER
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SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

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08/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/632,690

Applicant(s)

FUSARI, DAVID

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima (US 6,272,470) in view of Johnson (US 6,915,265).

4. In regard to claims 1, 4, 13, 16, 25, and 27, Teshima disclosed a system of tracking a patient's medical information (*context information*, see background in specification, page 1, lines 10-19). See Teshima, column 3, lines 17-52. The information is matched to information on a remote application server. (*receiving from the first client first information that uniquely identifies an aspect of the first client; receiving from the remote application server second information that uniquely identifies an aspect of a remote client on which the at least one remote application is emulated*) See Teshima, column 4, lines 21-44. Teshima gives suggestion for linking several systems related to patient information (Teshima, column 8, lines 55-67) but fails to explicitly teach the emulation of a remote application and linking the context between both applications. Johnson discloses such a method of linking contexts between devices. Johnson, column 6, lines 31-43; column 6, lines 53-67; column 7, lines 1-12; column 7, lines 32-54, where billing and administrative functions are linked to patient medical records. Teshima showed that insurance information was stored for a patient, and Johnson, in the analogous field of art, disclosed a system which linked with the medical records including insurance information for billing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the billing capabilities of Johnson

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with the medical records of Teshima to allow for simplified hospital billing, thus reducing paperwork, and providing commercial success.

5. In regard to claims 2 and 14, Teshima further disclosed *wherein the act (a) comprises an act of receiving from the first client first information that comprises a hardware address for the first client; wherein the act (b) comprises an act of receiving from the remote application server a hardware address for the remote client on which the at least one remote application is emulated; and wherein the act (c) comprises an act of determining that the at least one remote application is emulated on the first client and may belong to the context when the hardware address in the first information matches the hardware address in the second information.* Teshima, column 8, lines 1-15 disclosed an operator card input unit used for identification purposes. This is a *hardware address*. In both Teshima and Applicant's invention, a *hardware address* is used for verification purposes to determine whether a particular system may access the medical records in question.

6. In regard to claims 3 and 15, Teshima further disclosed *the act (b) comprises an act of receiving, at the remote application server, the hardware address transmitted from the remote client on which the at least one remote application is emulated.* Teshima, column 8, lines 1-15 disclosed an operator card input unit used for identification purposes. This is a *hardware address*. In both Teshima and Applicant's invention, a *hardware address* is used for verification purposes to determine whether a particular system may access the medical records in question.

7. In regard to claims 5, 17, and 28, Johnson further disclosed *each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information, wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the second remote application is emulated.* Johnson, column 6, lines 1-11; column 6, lines 53-64; column 10, line 64 – column 11, line 6.

8. In regard to claims 6, 18, and 29, Johnson further disclosed *the login information comprises a user identifier.* Johnson, column 10, line 64 – column 11, line 6.

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9. In regard to claims 7, 19, and 30, Johnson further disclosed *an act of (e) receiving from the same client information that uniquely identifies the aspect of the client identified by the first information in the act (a) and information that uniquely identifies the aspect of the client identified by the second information in the act (b); and wherein the act (c) comprises an act of determining that the first and second remote applications are emulated on the same client when the information received in the act (e) matches the first and second information.* Johnson, column 7, lines 32-54

10. In regard to claims 8, 20, and 31, Teshima further disclosed *the act (c) comprises determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information.* Teshima, column 8, lines 1-15, operator card input unit.

11. In regard to claims 9, 21, and 32, Johnson further disclosed *the first information comprises an address of the client on which the first remote application is emulated and the second information comprises an address of the client on which the second remote application is emulated.* Johnson, column 10, line 64 – column 11, line 6.

12. In regard to claims 10, 12, 22, 24, 33, and 35, Johnson further disclosed *the first information comprises an internet protocol (IP) address of the client on which the first remote application is emulated and the second information comprises an IP address of the client on which the second remote application is emulated.* Johnson, column 10, line 64 – column 11, line 6.

13. In regard to claims 11, 23, and 35, Johnson further disclosed *the first information comprises an address of the client on which the first remote application is emulated and the second information further comprises an address of the client on which the second remote application is emulated.* Johnson, column 10, line 64 – column 11, line 6.

14. In regard to claim 26, Johnson further disclosed *the controller receives from the first client first information that comprises a hardware address for the first client, receives from the remote application server a hardware address for the remote client on which the at least one remote application is emulated, and determines that the at least one remote application is emulated on the first client and may belong to the same context when the hardware address in the first information matches the hardware address in*

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*the second information.* Teshima, column 8, lines 1-15 disclosed an operator card input unit used for identification purposes. This is a *hardware address*. In both Teshima and Applicant's invention, a *hardware address* is used for verification purposes to determine whether a particular system may access the medical records in question.

15. In regard to claims 36, 38, and 40, Johnson further disclosed *if it is determined in the act (c) that the at least one remote application is not emulated on the first client, preventing the at least one remote application and the at least one client application from belonging to the context.* Johnson, column 10, line 64 – column 11, line 6.

16. In regard to claims 37, 39, and 41, Johnson further disclosed *if it is determined in the act (c) that the first and second remote applications are not emulated on the first client, preventing the first and second remote applications from belonging to the same context.* Johnson, column 10, line 64 – column 11, line 6.

### **Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Maher et al. US 7,213,266

19. Engelson et al. US 6,671,563

20. Brown US 6,168,563

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen  
Examiner  
Art Unit 2145

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